



Application

Narrative

Cash Transmittal

Development Standards

Cases 8-ZN-2019 & 5-AB-2019

***Senior Living at McDowell
Mountain Ranch***

9909 E. McDowell Mountain Ranch Road

by

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NARRATIVE

I. INTRODUCTION

The request is to rezone a vacant 5 acre parcel located east of 98th Street on the southside of McDowell Mountain Ranch Road ("MMRR") from R1-35 PCD ESL (Single-family Residential within a Planned Community District in Environmentally Sensitive Lands) to C-O PCD (Commercial Office within a Planned Community District) to allow the development of a 161 unit senior care facility providing independent living, assisted living, and memory care. The project will satisfy a local marketplace that is currently underserved (see Attachment "A" Market Study). Concurrent with the zoning application is the request to abandon portions of obsolete GLO patent easements on the property.

II. SITE AND SURROUNDING PROPERTIES

The site is an irregularly-shaped parcel site backing up to the blighted Bureau of Reclamation property that contains the large CAP drainage basins and WestWorld support and storage facilities. Immediately east of the property are a vacant 4.5-acre parcel planned for a multi-family development, the recently approved storage facility and the existing Superpumper gas station at Thompson Peak Parkway ("TPP"). North of MMRR are the Graythorn condominium townhomes to the northwest and Horseman's Park single-family subdivision to the northeast. East of Horseman's Park to TPP are the Kota (formerly Dakota) apartments.

III. PROPOSED DEVELOPMENT

The development consists of single building with three floors (39' in height although 48' is permitted) containing 161 units that encircle a central courtyard. The facility will have separate entrances and drop-off areas for independent/assisted and memory care. The project far exceeds ordinance requirements for total Open Space especially along the frontage of MMRR. A large triangular area at the northeast corner of the property contains a remnant of the little-known old Rio Verde Canal (berm) which has been reclaimed by dense native vegetation and will be left untouched. The building design concept will incorporate a contemporary southwest theme compatible with the existing residential areas. Landscaping will consist of native desert plants and provide a dense tree screen along MMRR. A "residential health care facility" is also another commercially-allowed use which conversely generates minimal traffic, noise, lighting, and activity. The use is generally considered benign and compatible with both residential and non-residential areas. Furthermore, the proposed use provides greater benefits in satisfying the overall General Plan's policies and goals per Attachment A

IV. ZONING/GENERAL PLAN/ASLD ROADWAY

The property retains the County 1972 annexation base R1-35 zoning (one house per acre) which was the zoning classification of most of the County north of the CAP Canal. Post annexation all the surrounding developments were rezoned to their present use. In the 1980s the entire area north of the Central Arizona Project and east the 400' wide WAPA transmission corridor were rezoned by the City with the ESL overlay zoning classification with a few exceptions including WestWorld which abuts the south and west sides of the property. The R1-35 current zoning does NOT comply with the City's General Plan "Conceptual Land Use Map"

which indicates “Office”. The “Office” designation generally equates to the “Commercial Office (C-O)” zoning district which typically develops with multi-story offices that can generate a significant amount of traffic, noise, lighting and activity.

The property along with two others are the only ESL-zoned parcels on the south side of MMRR and west of Thompson Peak Parkway as shown on the graphic below:



The removal of the ESL overlay is a direct result of staff’s proposal to require a 30’ half-street dedication along the eastern portion of the property and 30’ on the adjoining parcel (60’ total). Staff’s long-held intent has been to preserve the opportunity to access the Arizona State Land Department (“ASLD”) orphaned property located approximately 600’ south of MMRR should the parcel be acquired by a private developer. The ASLD parcel is access-constrained with right-in/right-out only to Thompson Peak Parkway. Access to MMRR does little, if any, to the practical private development of the ASLD property. The ASLD has not had any interest from private developers to acquire the property separate from an adjoining MMRR property. In contrast the City’s long-held intent has been to acquire the ASLD property for the development of event parking within the adjoining WestWorld basin. Acquisition of the ASLD property has also been identified for inclusion in the November bond election

Despite the removal of the ESL overlay, there is NO CHANGE TO THE LANDSCAPE PLAN INCLUDING UNDISTURBED NATURAL AREAS. The previously proposed landscaping and preservation of the old Rio Verde Canal remain unaltered.

If the City pursues construction of the ASLD roadway, below is the design standard cross-section:

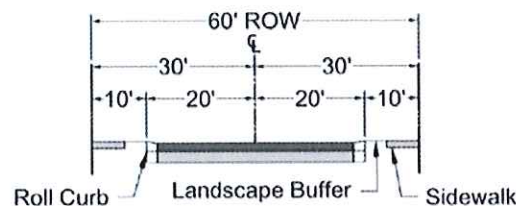


FIGURE 5-3.21 LOCAL COMMERCIAL/INDUSTRIAL

We do not support the ASLD roadway dedication or street improvements for the following reasons: the roadway does not provide meaningful access for private development of the ASLD parcel; there is no nexus between the dedication and construction of improvements as our property is not a beneficiary – only the ASLD; the City would be responsible for 600' of maintenance and liability for what, if installed should be no more than a 24' wide driveway installed and maintained by the ASLD property owner; the driveway at MMRR would be approximately 138' east of the Horseman's Park driveway and not meet the City's 250' standard separation requirement; over 18,000 sf of landscaping and undisturbed natural area would be eliminated along our eastern property line and a like amount from the adjoining property including significant portions of the old Rio Verde Canal and otherwise undisturbed natural areas.

V. PARKING AMENDMENT

The submitted Kimley-Horn parking demand study substantiates that residential health care (congregate care) generates far fewer spaces than currently required by ordinance. Previous parking studies for other facilities in the City have reached the same conclusion and have been the basis for routine approvals of 20% reductions allowed at a staff level. However, those same studies have indicated that a significantly greater reduction is warranted. In prior discussions with staff regarding a text amendment, significantly lower parking requirements have been supported. In the absence of a text amendment the only other relief mechanism is through the City Council. Understandably most developers eschew the lengthy public hearing process to achieve reductions to reflect true demand. As the proposed Senior Living at McDowell Mountain Ranch is already in the public hearing process, requesting the parking reduction is as a way to further meet many of the stated goals of the General Plan by encouraging environmentally sensitive and sustainable development that respects the desert setting by reducing solar heat gain, minimizing impervious surfaces, and utilizing the best practices of smart development.

Another parking study that supports greater reductions was conducted by J2 Engineering for the Wolff Scottsdale Senior Living facility at 8225 E. Indian Bend Road. At 159 units Scottsdale's parking requirement is 1.25 spaces/unit (199 total spaces) yet the parking study calculated 0.43 spaces/unit (68 total spaces) per ITE parking generation rates with other Valley cities averaging 0.48 spaces/unit (83 total spaces). The subject project has 161 units/beds and the City's current ordinance requirement is 1.25 spaces/unit for minimal care and 0.7 spaces for specialized care (197 total spaces). Prior to the City's current ratio, the zoning ordinance required 0.7 spaces/unit and the 0.5 spaces/bed (113 total spaces). The significant increase in parking ratios was done over 10 years ago and without input from users. Consequently most, if not all, residential health care facilities became non-conforming in parking. Although the studies indicate substantially lower parking demand, the project proposes parking ratios similar to the earlier standards (119 total spaces).

VI. GLO ABANDONMENT

The proposal is to abandon obsolete portions of **General Land Office Patent Easements** (also known as "government land office easements," and "GLO easements") encumbering the development of the property. GLO easements were legal mechanisms created to provide public utilities and future access through, and to the interior of, lots or parcels created by the U.S. Small Tract Act of 1938. The legislation was enacted in response to requests by primarily World

War I Servicemen who wanted to move out in the desert for health and recreational purposes. The Small Tract Act was about the only method of making federal land available. Local counties were enthusiastic about "getting lands on the tax rolls" and were not concerned about infrastructure (roads, water, power, schools) to support such development. Small tract land patents were granted by the General Land Office (which merged with the United States Grazing Service in 1946 to form the US Bureau of Land Management). These patents transferred property owned by the U.S. government to private ownership. The parcels were generally 5 acres in size and the Government retained 33' wide easements across the property or along the perimeter of the properties for roadways and public utilities to serve the patent properties. GLO easements have already been administratively abandoned north of McDowell Mountain Ranch Road and east of 98th Street. As a point of interest and contrary to the current policy of requiring compensation, the State of Arizona Revised Statutes provides per the abstract below the abandonment of GLO easements "in the same manner as other easements". All other easements in the City are abandoned administratively and without compensation.

"9-500.24. Federal patent easements; city and town abandonment

A city or town, by its own motion or at the request of a property owner, may abandon a federal patent easement established by the small tract act of 1938 that the city or town determines, after notifying and obtaining the consent of all affected utilities, is not being used by the public or is no longer necessary in the same manner as other easements are abandoned."